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IN THE

Supreme Court of the United States

OCTOBER TERM, 1957

No. 578

CORNELL JOEL GROSSMAN, D.D.S., *Petitioner,*

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Respondents.*

An Appeal From Determination of the United States Court of Appeals for the District of Columbia Circuit

SUPPLEMENT TO REPLY TO MOTION TO DISMISS AND MOTION FOR PERMISSION FOR LEAVE TO FILE A WRIT OF CERTIORARI

CORNELL JOEL GROSSMAN, D.D.S.
46 Old Short Hills Road
Millburn, New Jersey
Pro Se.

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AS THE INVENTOR WHO FIRST GAVE THE ATOMIC HYDROGEN BOMB FORMULAS TO THE UNITED STATES, PETITIONER PRAYS THAT THE SUPREME COURT REMAND THIS CASE TO THE UNITED STATES ATOMIC ENERGY COMMISSION FOR JUST COMPENSATION AND RECOGNITION.

SUPPLEMENT TO REPLY TO MOTION TO DISMISS AND MOTION FOR PERMISSION FOR LEAVE TO FILE A WRIT OF CERTIORARI

Last paragraph of the following Court Order shows an extension of time was granted to the Appellant.

Filed October 25, 1957

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

OCTOBER TERM, 1957

No. 12,959

CORNELL JOEL GROSSMAN, D.D.S., *Petitioner*

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Respondents.*

Before: Edgerton, Chief Judge, Wilbur K. Miller and Danaher, Circuit Judges, in Chambers.

ORDER

Upon consideration of appellee's motion to dismiss appellant's appeal to the Supreme Court of the United States, and of appellant's reply, to which appellant has annexed an application to the Supreme Court of the United States for an extension of time to docket his case, it is

ORDERED by the Court that appellant's appeal to the Supreme Court of the United States be, and it is hereby, dismissed, unless petitioner shall show this Court within fifteen days that he has complied with Rule 13 of the Supreme Court of the United States.

Per Curiam.

Dated: October 25, 1957

Item 5 of the following motion shows the Court was in correct jurisdiction and decision.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12,959

CORNELL JOEL GROSSMAN, *Appellant*,

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Appellees*.

MOTION TO DISMISS APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Appellees respectfully move this Court for an order dismissing the appeal noted by appellant herein from the judgment of this Court affirming an order of the Atomic Energy Commission which denied appellant's claim for compensation against the United States under the Atomic Energy Act of 1946, 60 Stat. 755 and the Atomic Energy Act of 1954, 68 Stat. 919. In support of this motion, appellees show as follows:

1. In this action appellant is claiming compensation under the Atomic Energy Acts of 1946 and 1954, 60 Stat. 755 and 68 Stat. 919, for his alleged invention of the formula for the atomic bomb. His claim was denied by the Atomic Energy Commission after hearing by the Commission's Patent Board. The Commission's determination was affirmed by this Court in a *per curiam* opinion dated June 13, 1957.

2. On July 1, 1957, appellant filed in this Court his notice of appeal to the Supreme Court of the United States. Appellees were duly served with copies of this notice.

3. Appellant has failed to comply with Rule 13 of the Supreme Court of the United States in that he has failed

to docket the case "within sixty days after the filing of the notice of appeal."

4. Rule 14(2) of the Supreme Court provides:

> If an appeal which has been noted is not docketed in this court within the time for docketing, plus any enlargement thereof duly granted, the court possessed of the record may dismiss the appeal upon motion of the appellee and notice to the appellant, and may make such orders thereon with respect to costs as may be just.

5. We have been advised by the Office of the Clerk of the Supreme Court that while this Court has forwarded the record in the case to the Supreme Court, the Clerk of the Supreme Court regards this Court rather than the Supreme Court as "possessed of the record" within the intendment of Rule 14(2).

6. In accordance with Rule 14, *supra*, appellees, therefore, respectfully move this Court to dismiss the appeal filed by appellant.

/s/ George Cochran Doub
George Cochran Doub
Assistant Attorney General

/s/ Melvin Richter
Melvin Richter

/s/ William W. Fleming
William W. Fleming

/s/ William A. Klein
William A. Klein

Attorneys,
Counsel For Appellees.

CERTIFICATE OF SERVICE

I hereby certify that on October 10th, 1957, I caused to be served by the United States mail upon Cornell Joel Grossman, 46 Old Short Mills Road, Millburn, New Jersey, appellant herein, a copy of the above Motion to Dismiss Appeal to the Supreme Court of the United States.

/s/ MELVIN RICHTER
Melvin Richter,
Of Counsel for Appellees.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

OCTOBER TERM, 1957

October 30, 1957

No. 12,959

CORNELL JOEL GROSSMAN, D.D.S., *Petitioner*

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Respondents.*

Before: Edgerton, Chief Judge, Wilbur K. Miller and Danaher, Circuit Judges, in Chambers.

REPLY TO COURT ORDER

Petitioner complied with Rule 13 of the Supreme Court of the United States on October 25, 1957, and received Docket No. 578.

Thanking this Court for the kindness shown, I am

Most respectfully yours,

CORNELL JOEL GROSSMAN, D.D.S.
Cornell Joel Grossman, D.D.S.
46 Old Short Hills Road
Millburn, New Jersey

The following letter shows the case was in the custody and control of the Court of Appeals.

PATENT COMPENSATION BOARD
OF THE
U. S. ATOMIC ENERGY COMMISSION

June 24, 1957

Dr. Cornel J. Grossman
46 Old Short Hills Road
Millburn, New Jersey

Subject: DOCKET No. 17

Dear Dr. Grossman:

Receipt is acknowledged of your letter of June 14, 1957 with respect to the documents and exhibits used in the Court of Appeals Case No. 12,959. The Patent Compensation Board is not in position to receive the documents and exhibits that are in the custody and control of the clerk of the Court of Appeals.

Very truly yours,

(MRS.) MARGARET H. MELIN
Margaret H. Melin
Acting Clerk

cc: MR. CASPER W. OOMS
MR. JOHN V. L. HOGAN
MR. ISAAC HARTER

The Atomic Energy Act states the security of the United States shall always be paramount in the actions under this act.

Therefore, Appellant wrote the following letter showing that the disclosure of the Appellant's bomb formulas were the essense of his case.

Therefore, printings of the parts of the case in a writ of certiorari or other papers of the case were not in keeping with security.

No reply was received, and appellant awaiting a reply before filing, was not on time.

An acknowledgement of the letter follows:

CORNELL GROSSMAN, DENTIST
46 OLD SHORT HILLS ROAD
MILLBURN, NEW JERSEY

DRexel 6-0006

June 28, 1957.

To The Clerk of the Court
United States Supreme Court
Washington, D. C.

Dear Sir:

From the enclosed copy of a Notice of Appeal that I am mailing today to the Clerk of the United States Court of Appeals you will see that I as the inventor of the Atomic Hydrogen Bombs who gave these formulas to the United States Government just before Pearl Harbor day and at subsequent dates am appealing from the incorrect decision of the District of Columbia Circuit of the United States Court of Appeals.

This case is very different from any ever brought to the attention of your court since it was founded.

This difference is the need for secrecy in the protection of the Government from letting the formula out.

I as the inventor of this secret formula am entitled to the protection of the secrecy of my formula by this Court.

Therefore if I were to go to the printer and have a writ of certiorari printed to do justice to my claim I would have to name the simple ingredients that form the combination of the Atomic Hydrogen Bombs and would therefore be giving it to all the world.

It is therefore imperative that your Court dispense with the printing of Appeals, Briefs, Appendices and the like to maintain the spirit of the United States Atomic Energy Acts,

The Court of Appeals refused my request for secrecy.

It was therefore impossible at the Hearing with the public present to do justice to the explanation of my Bomb Formula.

Had I not considered the United States in its need for secrecy of this Formula at this Hearing and in the printed briefs I could have disclosed my formula and proven it, but the whole world would have had the bombs.

The United States Atomic Energy Commission and the Department of Defense have committed a grave injustice to the Government in making my formula public and by making it available through Docket 17 in the Clerks Office of the United States Court of Appeals where anyone can read the true Formula of the bombs used at Nagasaki and Hiroshima and all test detonations of the United States and its former Allies.

Therefore I pray that this Court treats this Docket 17 with more discretion.

The hearings in this should be with the public absent and possibly some of the formalties in this case lessened,

altered or dispensed with because of the secret nature of the formula.

Thanking you in advance for your kind consideration of these thoughts and feeling that our United States Constitution and other Laws are in this Spirit, I am

Most respectfully yours,

CORNELL JOEL GROSSMAN, D.D.S.

OFFICE OF THE CLERK,
SUPREME COURT OF THE UNITED STATES,
WASHINGTON 13, D. C.

July 2, 1957.

Dr. Cornell Grossman,
46 Old Short Hills Road,
Millburn, N. J.

RE: *Grossman* v. *U. S., et al.*

Dear Sir:

Receipt is acknowledged of your letter of June 28th, enclosing a copy of notice of appeal filed with the Clerk of the U. S. Court of Appeals.

Yours truly,

JOHN T. FEY, *Clerk*
By E. P. CULLINAN
E. P. Cullinan
Deputy.

EPC:tw

Notice of Appeal From Federal Court

CIVIL CASE

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Civil Action No. 12959

CORNELL JOEL GROSSMAN, *Plaintiff*

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Respondents.*

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES.

I. Notice is hereby given that Cornell Joel Grossman, the Appellant above named, hereby appeals to the Supreme Court of the United States from the determination of the United States Court of Appeals for the District of Columbia Circuit, No. 12959, entered in this action on June 13, 1957.

This appeal is taken pursuant to Public Laws—CH 724 Aug. 1, 1946, (60 Stat., Sec. II (4), cited as the "Atomic Energy Act of 1946."

Attached hereto is a copy of a section of this Act.

II. The Clerk will please prepare a transcript of the record in this cause, for transmission to the Clerk of the Supreme Court of the United States, and include in said transcript the following: appeals, brief, appendix, motions, and transcript of the hearing of the appellant and respondent, and the Court's determination. Appellant's Docket 17 in the United States Atomic Energy Commission is the basis for this appeal and it shall be made available to the judges in the

Supreme Court by the United States Atomic Energy Commission and since it discloses the exact formula of the atomic hydrogen bombs, the judges and the Commission shall do this at their discretion. This is respecifically mentioned to the Court in the interest of national security.'

III. The following questions are presented by this appeal:

At Hiroshima and Nagasaki on August 6th and 9th in 1945, did the appellant's invention end World War II quickly?

Were the Appellant's Atomic Chemical Formulas used in the other detonations?

Are the Appellant's Atomic Chemical Formulas in the Province of the United States Atomic Energy Commission to test and accept for compensation and recognition of the Appellant as the Inventor?

Shall this Court remand this case to the United States Atomic Energy Commission for reconsideration?

The following letter shows a step in this appeal to the Supreme Court:

The letter shows a sample of "Radioactive Zircon Ore."

Utilizing Atomic Hydrogen appellant made stone molds from the Synthetic Zircon of his invention about seventeen years ago, and received United States Patents.

The appellant's bomb formula can be modified to propel bullets or missiles a great distance.

It would therefore be in keeping with the policy of encouraging inventors not to dismiss this case.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON 1, D. C.

July 26, 1957.

Joseph W. Stewart
Clerk

No. 12,959—*Grossman* v. *United States of America* and *U. S. Atomic Energy Commission*

Hon. John T. Fey
Clerk
Supreme Court of the United States
Washington 13, D. C.

My dear Mr. Fey:

I have been authorized by this Court to transmit to the Supreme Court the following items filed in the above-entitled case:

Transcript of Record and Exhibits, filed December 15, 1955

Supplemental Record, filed December 19, 1956
Please acknoweldge receipt of the items listed above.

Yours very truly,

JOSEPH W. STEWART,
Clerk.

encls.

CC—Dr. Cornell J. Grossman
46 Old Short Hills Road
Millburn, New Jersey.

P.S.:—The exhibits filed in this Court 12-15-55 consist of:
Periodic Chart of the Atoms
Electromotive Series Table
Atomic Energy Levels—Vol. I (Nat. Bu. Standards Cir. 467)
a sample of "Radioactive Zircon Ore".

J.W.S.

The two following letters show the advanced stage of the case, which is a reason not to dismiss.

Form No. G-18
(Ed. 5-19-55)

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1957

No. 578

CORNELL JOEL GROSSMAN, DDS, *Appellant*

v.

UNITED STATES, UNITED STATES ATOMIC ENERGY COMMISSION

Service of three copies of Jurisdictional Statement is acknowledged this 28th day of October, 1957.

J. LEE RANKIN
J. Lee Rankin
Solicitor General

Original filed in United States Supreme Court

OFFICE OF THE CLERK,
SUPREME COURT OF THE UNITED STATES,
WASHINGTON 13, D. C.

November 20, 1957

Dr. Cornell Grossman
46 Old Short Hills Road
Millburn, N. J.

RE: *Grossman* v. *United States, et al.*
No. 578, October Term, 1957:

Dear Dr. Grossman:

I have received your motion to dispense with the printing of the brief and your motion to dispense with the printing of the record in the above-entitled case.

Under Rule 17, your designation of portions of the record to be printed and motion to dispense with the printing thereof need not be filed and will not be submitted to the Court unless the Court has ruled favorably upon the jurisdictional aspects of your case. The same is true of your motion to dispense with the printing of the brief.

Very truly yours,

JOHN T. FEY, *Clerk*
By E. P. CULLINAN,
E. P. Cullinan,
Deputy.

EPC:ht